

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 03-10
March 25, 2003

RE: May a state employee serve in an appointed position on a city police department advisory commission?

DECISION: Yes, though the employee should ascertain that there are no problems with such service under KRS 61.080.

This opinion is in response to your February 13, 2003, request for an opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the March 25, 2003, meeting of the Commission and the following opinion is issued.

You state the following relevant facts. You are a merit employee with a state agency. You have been approached about being appointed by the mayor of the city in which you live to serve on a police department advisory commission. You state that the state agency for which you work does not do business with the city. Although the state agency for which you work does have some regulatory authority over the city government, in your state position neither you, nor anyone under your authority, has involvement with the city as a part of official duties. You ask if your serving on this advisory commission while retaining your executive branch merit position is consistent with KRS 11A, the Executive Branch Code of Ethics (the "Code").

The Commission has previously issued opinions on requests similar to yours. (See Advisory Opinions 01-33 and 02-24.) From the facts stated in your request, there is no apparent conflict of interest in your acceptance of this appointment to serve on the police department advisory commission and keeping your state employment.

You should, however, seek advice from the Office of the Attorney General to ascertain if there may be any conflict in other statutes that prohibit "state officers" from holding "officer" positions with local governments.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: Joseph B. Helm, Jr.

Enclosures: Advisory Opinion 01-33
Advisory Opinion 02-24